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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,832	11/05/2001	Paul Bette	2000-0587	7615

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EXAMINER

DAMIANO, ANNE L

ART UNIT	PAPER NUMBER
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2114

DATE MAILED: 08/03/2004

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/007,832

Applicant(s)

BETTE ET AL.

Examiner

Anne L. Damiano

Art Unit

2114

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 12-18 is/are rejected.
- 7) ☐ Claim(s) 5-11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 April 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Allowable Subject Matter

1. Claims 5-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4 and 12-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Ashton et al. (6,181,679).

As in claim 1, Ashton discloses a method of documenting a failure in a telecommunications network (column 4: lines 61-65 and column 8: lines 21-34), comprising the steps of:

Defining a component structure (configuration of the resources of the network) for elements in the network (column 3: lines 1-5);

Art Unit: 2114

Determining if any of the component structures are in failure in the network (column 3: lines 44-49);

Associating, based on the determined failure of at least one of the component structures, a customer circuit terminating on a node (user terminal) wherein the component structure is in failure (column 3: lines 53-58); and

Generating automatically a trouble ticket based on the associated failed network component with the node (column 3: lines 50-52, column 15: line 66-column 16: line 11 and column 16: line 31-52). (Different failure information yields a different recovery response. Also, user processes can be defined in the automation table meaning that a the customer circuit terminating on the node associated with the failure is determined by the system.)

As in claim 2, Ashton discloses the method recited in claim 1, wherein the defining step comprising the step of sectionalizing the elements into their basic component structure (virtual circuit segments) to quantify failures of elements at a level of the component structure (column 3: lines 10-13). (The status of the virtual circuit segments is whether they are working or have failed.)

As in claim 3, Ashton discloses the method recited in claim 2, wherein the sectionalizing step comprises the step of sectionalizing the elements (virtual circuit segment interconnections, DLCI) into a plurality of levels corresponding to parts in the network elements (column 3: lines 13-21).

Art Unit: 2114

As in claim 4, Ashton discloses the method recited in claim 3, wherein the generating step comprises the step of generating an element trouble ticket which documents a failure of an element in the network (column 16: lines 34-40). (Automatic problem recovery commands being invoked to perform automatic trouble recovery means that the trouble ticket is specific to the element in order to specifically designate necessary recovery measures.)

As in claim 12, Ashton discloses a method of generating trouble tickets for network elements that are in failure and affecting network performance, comprising the steps of:

Defining component structures (virtual circuit segments) of each of the network elements in the network that may be in failure and quantifying whether any of the component structures in any of the elements in the network are in failure (column 3: lines 10-13 and column 3: lines 44-49); (The status of the virtual circuit segments is whether they are working or have failed.)

Associating the failures of the component structures of the network elements with customer nodes in the network that are utilized by customers to automatically generate trouble tickets regarding the failures which may be communicated to network maintenance personnel (column 3: lines 44-52, column 8: lines 53-59 and column 16: lines 20-38) (Different failure information yields a different recovery response. Also, user processes can be defined in the automation table meaning that a the customer circuit terminating on the node associated with the failure is determined by the system.); and

Making available the trouble tickets to the customers to give customers automatic access over a medium to information regarding status of the failures (column 3: line 59-column 4: line 4

Art Unit: 2114

and column 16: lines 41-52). (The user can customize the management system and therefore has access to the trouble ticket logs.)

As in claim 13, Ashton discloses the method recited in claim 12, wherein the medium comprises a local area network (column 1: lines 10-25 and column 4: lines 61-64).

As in claim 14, Ashton discloses the method recited in claim 12, wherein the medium comprises a wide area network (column 1: lines 10-25 and column 4: lines 61-64).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ashton as applied to claim 12 above.

Regarding claim 15, Ashton discloses the method of generating trouble tickets for network elements above. However, Ashton does not specifically disclose the method being implemented on a broadband network.

Art Unit: 2114

It would have been obvious to a person skilled in the art at the time the invention was made to implement Ashton's method on a broadband network. It would have been obvious because Ashton discloses that the disclosed generic management system forms a platform that can be used for a wide variety of high speed packet communications networks (column 16: lines 53-59). A person skilled in the art would have understood that this includes a broadband network.

Regarding claim 16, Ashton discloses the method of generating trouble tickets for network elements above. However, Ashton does not specifically disclose the method being implemented on an Intranet.

It would have been obvious to a person skilled in the art at the time the invention was made to implement Ashton's method on a broadband network. It would have been obvious because Ashton discloses that the disclosed generic management system forms a platform that can be used for a wide variety of high speed packet communications networks (column 16: lines 53-59). A person skilled in the art would have understood that this includes an Intranet.

Regarding claim 17, Ashton discloses the method of generating trouble tickets for network elements above. However, Ashton does not specifically disclose the method being implemented on the Internet.

It would have been obvious to a person skilled in the art at the time the invention was made to implement Ashton's method on a broadband network. It would have been obvious because Ashton discloses that the disclosed generic management system forms a platform that

Art Unit: 2114

can be used for a wide variety of high speed packet communications networks (column 16: lines 53-59). A person skilled in the art would have understood that this includes the Internet. As in claim 17, Ashton discloses the method recited in claim 12, wherein the network comprises the Internet (column 4: lines 61-64 and column 16: lines 53-63).

As in claim 18, Ashton discloses the method recited in claim 17, wherein the defining step further comprises the step of sectionalizing the elements into their basic component structures (virtual circuit segment interconnections, DLCI) to quantify the failures at a level of the component structures (column 3: lines 13-21).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

See PTO-892.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne L Damiano whose telephone number is (703) 305-8010. The examiner can normally be reached on M-F 9-6:30 first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (703) 305-9713. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2114

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ALD



SCOTT BADERMAN
PRIMARY EXAMINER